



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

3
11-24-02
B. Hilliard

Title: PROGRAMMABLE THERMOSTAT
SYSTEM EMPLOYING A TOUCH SCREEN
UNIT FOR INTUITIVE INTERACTIVE
INTERFACE WITH A USER

Inventor(s): Howard Rosen

Serial No.: 10/060768

Filing Date: 1/30/2002

Group No.: 2173

Examiner:

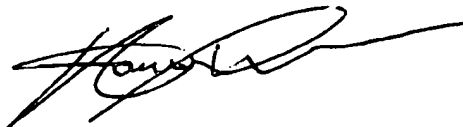
Attorney Docket No.:

**DECLARATION IN SUPPORT
PETITION TO MAKE SPECIAL
PURSUANT TO 37 CFR §1.102(d)
AND MPEP 708.02(I) FOR
MANUFACTURE**

The undersigned, in support of a petition to make special pursuant to 37 CFR §1.102(d) and MPEP 708.02(I), declares that:

1. I am the owner and sole named inventor of the above application.
2. I am highly experienced over the last 20 years in bringing patented products to market through prototype development, testing, engineering design review, government approvals, location and development of manufacturing facilities for making commercial quantities of the patented products, licensing, and managing and funding final manufacture, marketing, sales and distribution of the patented products. The following are patents for which I am a named inventor and which are used in products that I have with, much perspiration and at great expense, performed at least some of the previous acts:
 - a. 6,398,118 Title: Thermostat incorporating thin film carbon dioxide sensor and environmental control system
 - b. 6,167,130 Title: Conditional autodialer
 - c. 6,014,435 Title: Unauthorized call defeat apparatus
 - d. 5,859,896 Title: Telephone line automatic prefix dialer
 - e. 5,784,436 Title: Automatic telephone recorder system incorporating a personal computer having a sound handling feature
 - f. 5,426,693 Title: Apparatus and method for automatically blocking the transmission of identifying information concerning a telephone calling party
 - g. 5,309,508 Title: Apparatus and method for automatically blocking the transmission of identifying information concerning a telephone calling party

3. As disclosed in the enclosed letter from my bank, I possess sufficient presently available capital and available capital of approximately US\$100,000 and facilities available here in Canada and in the People's Republic of China, with sufficient square footage and skilled operations personnel to manufacture the invention in quantity. In addition, substantial additional capital and facilities will be made available if a patent is granted.
4. A statement by a bank officer corroborating capital available for manufacture products using the patent is enclosed herewith.
5. I have made diligent sales and technology presentations of products using my invention in this application to one of the two largest thermostat manufacturers in the United States. They will not agree to buy products using my invention unless they are certain that the claims of this application will be granted. I am the prospective manufacturer for products using my invention. This large company with the potential to quickly sell millions of dollars of products using my invention will not buy those products unless they are certain that a patent will be granted for those products. I, as the prospective manufacturer, therefore cannot and will not manufacture products using my invention unless certain that the patent will be granted.
6. I hereby obligate myself to manufacture the invention in the United States or its possessions in a commercially impacting quantity of at least over 5,000 thermostats immediately upon the allowance of claims or issuance of a patent which will protect the investment of capital and facilities.
7. I have to be made a careful and thorough search of the prior art for the claimed invention of this application, the results of which are submitted with this declaration.
8. All the above statements were made of my own knowledge are true and that all statements made on information and belief are believed to be true and with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 the United States Code, and such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full Name of Declarant(s):	Signature of Declarant:	Date:
Howard Rosen		10/31/02